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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,936	08/21/2003	Daisuke Shinohara	NIT-391	7378
<div>7590 09/21/2007 MATTINGLY, STANGER &amp; MALUR, P.C. 1800 DIAGONAL ROAD, SUITE 370 ALEXANDRIA, VA 22314</div>			<div>EXAMINER SERRAO, RANODHI N</div>	
			<div>ART UNIT 2141</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 09/21/2007</div>	<div>DELIVERY MODE PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/644,936

Applicant(s)

SHINOHARA ET AL.

Examiner

Ranodhi Serrao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 26-29, 31, 32 and 38-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-29, 31-32, and 38-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 26-29, 31-32, and 38-40 have been considered but are moot in view of the new ground(s) of rejection.
2. The applicant argued in substance the newly added limitations of independent claims 26, 31, and 38. However, the new grounds teach these and the added features. See rejections below.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 26 is rejected under 35 U.S.C. 102(b) as being anticipated by Earl et al. (6,112,228). Earl et al. teach a computer system comprising: a management computer storing a first program (col. 1, line 54-col. 2, line 9); one or more devices coupled to said management computer via a network and storing a second program (col. 3, lines 49-64); and a first computer coupled to said management computer via the network (col. 3, line 65-col. 4, line 12), wherein said one or more devices and said second program are not disclosed to said first computer (col. 4, lines 13-23); wherein said management computer: stores association information related to an association between said first

program and said second program (col. 6, line 12-col. 7, line 4), receives, from said first computer, a first request for executing said first program (col. 5, lines 49-64); determines whether or not said first program corresponds to said second program on the basis of said association (col. 7, lines 52-67), executes said first program and sends a second request to said one or more devices when said first program corresponds to said second program, said second request including instructions to execute said second program (col. 7, lines 36-51), receives execution results produced by the execution of said second program from one or more of said devices (col. 5, lines 49-64), uses the execution results of the second program to generate a response from execution of said first program, and sends to said first computer the response generated from execution of said first program incorporating the execution results of the second program in reply to said first request; wherein said one or more devices receive said second request, execute said second program and send the execution results to said management computer without disclosure to the first computer of said one or more devices or said second program (col. 5, line 65-col. 6, line 11).

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Earl et al. as applied to claim 26 above, and further in view of Dutta et al. (2003/0050966). Earl et al. teaches the claimed limitations of claim 26 above, but fails to teach a computer

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system, further comprising: a second computer coupled to said management computer, one or more devices, and said first computer via the network, wherein: said second computer collects a plurality of location information related to locations where said first program or said second program are stored, stores said plurality of location information with both said first program and said second program, and generates said association information. However, Dutta et al. teaches a computer system, further comprising: a second computer coupled to said management computer, one or more devices, and said first computer via the network, wherein: said second computer collects a plurality of location information related to locations where said first program or said second program are stored, stores said plurality of location information with both said first program and said second program, and generates said association information (see Dutta et al., ¶ 47). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Earl et al. to a computer system, further comprising: a second computer coupled to said management computer, one or more devices, and said first computer via the network, wherein: said second computer collects a plurality of location information related to locations where said first program or said second program are stored, stores said plurality of location information with both said first program and said second program, and generates said association information in order to allow a node to indicate an alternate manner for fulfilling a download request if the node determines that its response characteristics would be inadequate if it attempted to fulfill a new download request (see Dutta et al., ¶ 11).

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7. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Earl et al. and Dutta et al. Earl et al. teaches a computer system comprising: a management computer storing a first program (see Earl et al., col. 1, line 54-col. 2, line 9); one or more devices coupled to said management computer via a network and storing a second program (see Earl et al., col. 3, lines 49-64); a first computer coupled to said management computer via the network (see Earl et al., col. 3, line 65-col. 4, line 12); wherein said one or more devices and said second program are not disclosed to said first computer (see Earl et al., col. 4, lines 13-23), and generates association information related to a dependency association between said first program and said second program (see Earl et al., col. 7, lines 5-16), wherein said management computer: receives, from said first computer, a first request for executing said first program (see Earl et al., col. 5, lines 49-64), determines whether or not said first program corresponds to said second program on the basis of said association information (see Earl et al., col. 7, lines 52-67), executes said first program and sends a second request to said one or more devices when said first program corresponds to said second program, said second request including instructions to execute said second program (see Earl et al., col. 7, lines 36-51), receives execution results produced by the execution of said second program from one or more of said devices (see Earl et al., col. 5, lines 49-64), uses the execution results of the second program to generate a response from execution of said first program, and sends the response generated by said first program to said first computer in reply to said first request, wherein said one or more devices receive said second request, execute said second program and send the execution results to said

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management computer without disclosure to the first computer of said one or more devices or said second program (see Earl et al., col. 5, line 65-col. 6, line 11). But fails to teach a second computer coupled to said management computer, said one or more devices, and said first computer via the network, wherein said second computer collects location information related to locations where said first program and said second program are stored, stores said plurality of location information with both said first program and said second program. However, Dutta et al. teaches a second computer coupled to said management computer, said one or more devices, and said first computer via the network, wherein said second computer collects location information related to locations where said first program and said second program are stored, stores said plurality of location information with both said first program and said second program (see Dutta et al., ¶ 47). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Earl et al. to a second computer coupled to said management computer, said one or more devices, and said first computer via the network, wherein said second computer collects location information related to locations where said first program and said second program are stored, stores said plurality of location information with both said first program and said second program in order to allow a node to indicate an alternate manner for fulfilling a download request if the node determines that its response characteristics would be inadequate if it attempted to fulfill a new download request (see Dutta et al., ¶ 11).

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8. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al. and Earl et al. as applied to claims 26 and 27 above, and further in view of Abdelaziz et al. (2003/0041141).

9. As per claim 28, Dutta et al. and Earl et al. teach the mentioned limitations of claims 26 and 27 above, but fail to teach a computer system, wherein said association information is a hierarchy information indicating whether said first program is are of a higher level than said second program associated with said first program. However, Abdelaziz et al. teaches a computer system, wherein said association information is a hierarchy information indicating whether said first program is are of a higher level than said second program associated with said first program (see Abdelaziz et al., ¶ 254-257). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Dutta et al. and Schmidt to a computer system, wherein said association information is a hierarchy information indicating whether said first program is are of a higher level than said second program associated with said first program in order to provide information about the programming interface and functionality of the software modules independently of protocols and behaviors that may be used to implement the software modules (see Abdelaziz et al., ¶ 253).

10. As per claim 29, Dutta et al., Abdelaziz et al., and Earl et al. teach the mentioned limitations of claims 26, 27, and 28 above, but Dutta et al. and Earl et al. fail to teach a computer system, wherein said second computer determines which program of said first or second programs is of a higher level than its associated program on the basis of said hierarchy information, and sends, to said first computer, a location of the program which



is a higher level than its associated program. However, Abdelaziz et al. teaches a computer system, wherein said second computer determines which program of said first or second programs is of a higher level than its associated program on the basis of said hierarchy information, and sends, to said first computer, a location of the program which is a higher level than its associated program (see Abdelaziz et al., ¶ 116). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Dutta et al. and Earl et al. to a computer system, wherein said second computer determines which program of said first or second programs is of a higher level than its associated program on the basis of said hierarchy information, and sends, to said first computer, a location of the program which is a higher level than its associated program in order to provide information about the programming interface and functionality of the software modules independently of protocols and behaviors that may be used to implement the software modules (see Abdelaziz et al., ¶ 253).

11. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Earl et al. and Schmidt (5,768,524). Earl et al. teaches a management computer comprising: a network interface to be coupled to one or more devices and a first computer via a network, said one or more devices not being disclosed to said first computer (see Earl et al., col. 3, line 65-col. 4, line 12); a processor coupled to said network interface; a memory coupled to said processor; wherein said memory stores a first program which is a target of a request from the first computer and said memory further stores association information regarding said first program and a second program which is stored in said

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one or more devices (see Earl et al., col. 6, line 12-col. 7, line 4), wherein said processor receives, via said network interface, a request from said first computer for executing said first programs, refers to said association information to determine whether said first program as a target to be executed is associated with said second program (see Earl et al., col. 7, lines 52-67), wherein, when said first program as a target to be executed is associated with said second program, said processor executes said first program and sends to said one or more devices via said network interface, an instruction for executing said second program in said one or more devices (see Earl et al., col. 7, lines 36-51), receives execution results produced by the executed second program via said network interface via the network, uses the execution results to generate a response, and sends, to said first computer, the response as a reply of said request, said one or more devices and said second program remaining undisclosed to said first computer (see Earl et al., col. 5, lines 49-64). But fails to teach wherein the second program executed manages hardware and software resources of the plurality of devices, and the first program executed provides information about the resources of the plurality of devices to the first computer. However, Schmidt teaches wherein the second program executed manages hardware and software resources of the plurality of devices, and the first program executed provides information about the resources of the plurality of devices to the first computer (see Schimdt, col. 4, line 53-col. 5, line 14). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Earl et al. to wherein the second program executed manages hardware and software resources of the plurality of devices, and the first program

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executed provides information about the resources of the plurality of devices to the first computer in order to allow clients to register for events without the need to specify the destination of the request for registration (see Schmidt, col. 2, lines 18-29).

12. Claims 32, 39, and 40 have similar limitations as to claims 26-29, 31, and 38 above; therefore, they are being rejected under the same rationale.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

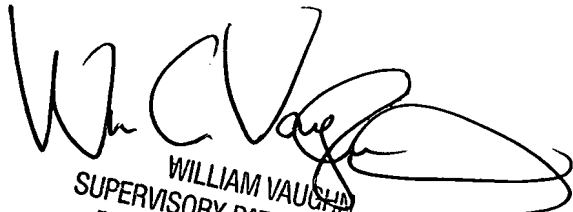
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RNS

R.N.S.

9/10/2007

  
WILLIAM VAUGHN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100